

**PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH
March 25, 2014 – 5:00 PM**

MINUTES APPROVED
By: Ro Wilkinson
Seconded: Diane Adams
Date: 7/29/14

PRESENT: Commissioner Julie Hullinger
Commissioner Ross Taylor
Commissioner Ro Wilkinson
Commissioner Diane Adams
Commissioner Nathan Fisher (*entered at 5:05 pm*)
Commissioner Todd Staheli
Commissioner Don Buehner

CITY STAFF: Community Development Coordinator Bob Nicholson
Development Services Manager Wes Jenkins
Planner I Craig Harvey
Planner II Ray Snyder
Project Manager Todd Jacobsen
Assistant City Attorney Victoria Hales
Administrative Secretary Genna Singh

EXCUSED: Council Member Joe Bowcutt
Deputy City Attorney Paula Houston

FLAG SALUTE

Commissioner Ross Taylor asked Commissioner Ro Wilkinson to lead the flag salute at 5:00 pm.

1. **PC BUSINESS**

Elect a Planning Commission Chairman and Vice Chairman.

Commissioner Ross Taylor explained the need to elect new leadership for the commission.

MOTION: Commissioner Ro Wilkinson nominated Commissioner Ross Taylor to serve as Chairman

SECONDED: Commissioner Julie Hullinger seconded the nomination.

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Commissioner Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Nomination passes; Commissioner Ross Taylor will serve as chair.

MOTION: Commissioner Julie Hullinger nominated Commissioner Nathan Fisher to serve as Vice Chair.

SECONDED: Commissioner Diane Adams seconded the nomination.

MOTION: Commissioner Don Buehner nominated Commissioner Ro Wilkinson to serve as Vice Chair.

SECONDED: Chairman Ross Taylor seconded the nomination.

Commissioner Ro Wilkinson endorsed Commissioner Nathan Fisher and withdrew her nomination.

AYES (6)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Nomination passes; Commissioner Nathan Fisher will serve as Vice Chair.

Commissioner Nathan Fisher entered at 5:05 pm

Chairman Ross Taylor explained that Item 4 for a zoning regulation amendment has been requested to be heard after the organization of the Planning Commission. If listening to the audio recording, please see Item 4 next

2. FINAL PLATS (FP)

- A. Consider approval of a final plat for “**Estates at Valderra Phase 2**” a five (5) lot residential subdivision plat. The representative is Mr. Reid Pope, Pope Engineering. The property is zoned PD-R (Planned Development Residential) and is located along Petroglyph Drive at approximately 4800 North (in the Ledges area, east side of U-18). Case No. 2014-FP-008. (Staff – Todd J.)

Todd Jacobsen added that this was originally presented as “Valderra Residences” at the Preliminary Plat stage. The Preliminary Plat was approved and part of the motion was that the name could change. The owner has elected to change the name from “Valderra Residences” to “Estates at Valderra Phase 2.”

- B. Consider approval of a final plat for “**Kenny Estates**” a six (6) lot residential subdivision plat. The representative is Mr. Bob Hermanson, Bush and Gudgell Engineering. The property is zoned R-1-7 (Single Family Residential 7,000 square

foot minimum lot size) and is located approximately at 430 North Street between 2480 East and 2660 East. Case No. 2014-FP-018. (Staff – Todd J.)

Todd Jacobsen presented item 2B. There were no additional comments.

MOTION: Commissioner Julie Hullinger made a motion to approve item 2A and 2B and authorize chairman to sign.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion passes.

3. **FINAL PLATS AMENDED (FPA)**

- A. Consider approval of a final plat amendment for “**Artesia Terrace Amended**” a forty (40) lot residential subdivision plat. The representative is Mr. Bob Hermandson, Bush and Gudgell. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located at 1593 West Russell Circle (just off the east side of Snow Canyon Parkway at approximately 1650 West). Case No. 2014-FPA-015. (Staff – Todd J.)

Todd Jacobsen explained that the purpose of this Final Plat Amendment is to merge Lots 19 and 20 into one Lot to be known as Lot 19 and to vacate the public utility and drainage easement located between said lots.

- B. Consider approval of a final plat amendment for “**Snowfield Estates Amended #5**” a fifty-eight (58) lot residential subdivision plat. The representative is Mr. Scott Woolsey, Alpha Engineering. The property is zoned R-2 (Multiple Family - Twin Homes) on lots 29A thru 44B and zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) on lots 1 thru 28). Located at 93 South and 97 South Clinton Circle (at approximately 140 South Valley View Drive). Case No. 2014-FPA-020. (Staff - Todd J.)

Todd Jacobsen explained that the purpose of this Final Plat Amendment is to adjust the Lot Line between Lots 38A and 38B to match the construction of a new twin home.

Commissioner Nathan Fisher noted that on 3A there were also changes made to the language.

Todd Jacobsen responded that the note used to say lots such and such to be walkout basements only. We've added that "unless otherwise approved by a City engineer based on site plans, grading plans, etc". We're just giving them that option.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Items 3A and 3B.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion passes.

4. **ZONING REGULATION AMENDMENT (ZRA)**

Consider a request for a proposed amendment to Title 10 Zoning Regulations, Chapter 18, Section 7B-2 to allow the keeping of **chickens** (hens only) and rabbits as an accessory use to a single-family dwelling to produce food for the family residing on the subject property. The applicant is the City of St. George. Case No. 2014-ZRA-001 (Staff – Legal / Craig H.)

City Attorney Shawn Guzman approached to represent the City of St. George concerning the proposed zoning regulation amendment. Shawn Guzman explained that previously there was a minimum square foot requirement to have chickens. There have been a few complaints; however, we have not had any that were enough to make us take action on someone who had chickens on a smaller lot. We have taken action when there were too many chickens on a lot.

Because there have been requests over the past few years it was time to make a change that would be better for residents and easier for our Code Enforcement. We decided that the best thing is to allow larger lots to have more chickens than smaller lots. What we propose to do is simply strike the minimum lot size requirement of 10,000 square feet. That means that residential lots are now allowed six (6) chickens or rabbits per 10,000 square feet and then are allowed additional animals with added square footage up to sixteen (16) total animals. All other conditions of the ordinance are still in place.

Commissioner Don Buehner stated that he likes the idea, but asked what kinds of complaints have been filed.

City Attorney Shawn Guzman responded that most complaints have been about the square footage; not that there was a nuisance but because the lot was too small. There were other complaints that dealt with noise but they met the requirements of our ordinance. To my

knowledge there are no sustained complaints concerning noise or smells. We had one complaint of a chicken crossing the road on Diagonal. We went to the home owner and they took care of it.

Commissioner Ro Wilkinson asked if animal control handles those situations.
City Attorney Shawn Guzman replied that the owner is asked to handle it.

Commissioner Don Buehner added that those concerns are all addressed here.
City Attorney Shawn Guzman answered that Code Enforcement handles them all.
Chairman Ross Taylor asked if this will allow chickens in all the R1 zones.
Shawn Guzman responded that chickens can be in R1 and RCC zones.
Bob Nicholson responded that 6,000 square feet is the smallest lot size.
Chairman Ross Taylor responded that that doesn't leave much room for the chickens.
City Attorney Shawn Guzman responded that there are lots of varying sizes. We find homes that when it's a blanket square footage requirement and the house is small where they have open lot to use they should be able to use it. Nuisances are really the problem. If problems occur we can address them with the home owner.

Commissioner Ro Wilkinson inserted that she likes the requirement against roosters.
City Attorney Shawn Guzman answered that sometimes you don't know what you're getting but roosters are definitely prohibited.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Item 4.
SECONDED: Commissioner Julie Hullinger seconded the motion.

The motion was made before the public hearing – no action taken.

Chairman Ross Taylor opened the item to the public for comment.
There were no comments from the public.
Chairman Ross Taylor closed the item to the public.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Item 4.
SECONDED: Commissioner Ro Wilkinson seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion passes.

Item 4 was heard after the organization of the Planning Commission – if listening to the audio recording please go to Item 2 Final Plats next

5. **ZONE CHANGE (ZC) - PUBLIC HEARING (5:00 P.M.)**

Consider a zone change request from RE-20 (Residential Estates 20,000 sq. ft. minimum lot size) to R-1-10 (Single Family Residential 10,000 sq. ft. minimum lot size) on a 4.409 acre parcel. The property is generally located southwest of the intersection of Crimson Ridge Drive and Little Valley Road and west of Sun Valley Estates subdivision. The project will be known as “**Crimson Cove.**” The applicant is Bar S Properties. The representative is Mr. Zach Renstrom with Bush & Gudgell. Case No. 2014-ZC-004 (Staff –Craig H.).

Note: This item has been carried over from the March 11th PC meeting.

Craig Harvey explained:

The General Plan for this area is low density residential. It has a split general plan designation.

Residential Estate zoning is an agricultural friendly zone; large animals are permitted. The areas surrounding this are not all large animal permitting. The Villages at Little Valley is R-1-12 which does not allow large animals. The Residential Estate strip north of them allows large animals but it doubtful that they have large animals. Sun Valley Estates is across the street and has RE-12.5 zoning. My understanding is some of the residents have goats. To the south is an agricultural zone. Most of those lots have large animals. Essentially to the north and east large animals are not common but to the south they are.

The Rural Residential buffer is against Little Valley Road. It's the first 200' into the parcel. Everything west of that is low density residential. In the Rural Residential buffer there can only be two dwelling units per acre. That is an agreement made in 2011 with the residents of Little Valley and City Council. The buffer line would line up with The Villages at Little Valley Subdivision and the line would just extend south.

As far as staff comments there are two options for approval:

1. Recommend approval, for the entire parcel as R-1-10, with the condition that the lots that fall within the Rural Residential General Plan designation (required 200' foot buffer) shall be platted as half acre or greater. This condition applies only to the lots that will front/back Little Valley Road. (Applicant Preference)
2. Recommend approval of R-1-10 on the portion of the parcel that is outside of the Rural Residential General Plan designation and with the remaining portion staying RE-20 as currently zoned. (Staff Preference)

Chairman Ross Taylor asked if this would have to come back as a revised request if recommendation for approval option two were used.

Craig Harvey responded, no. As far as the zone change goes it included the entire parcel, but you are able to reduce the zone change without additional action.

Commissioner Nathan Fisher commented that it seems that either option will allow the applicant to use the land the same way. Why does staff prefer option two?

Craig Harvey responded that option two is cleaner and better for legal.

Assistant City Attorney Victoria Hales inserted that if you make it all R-1-10 and don't adequately specify through deed restrictions or a development agreement, anyone who purchases the property at a later date might feel like they can build at R-1-10. You just have to be more legally on top of it.

Nathan Fisher asked if the Commission is allowed to provide a zone different than what the general plan and buffer require.

Craig Harvey responded that the Rural Residential buffer doesn't specify zoning it only specifies units per acre. You're limited to two dwelling units per acre regardless of zone.

Bob Nicholson added that we went through this discussion when we saw The Villages (the development to the north). The decision there was to keep the RE-20 zoning. To remain consistent staff prefers that split zoning.

Commissioner Nathan Fisher asked if The Villages has two zones.

Bob Nicholson responded that it does.

Chairman Ross Taylor opened the item for public comment.

Shannon Compen (Little Valley Resident) stated that it was her understanding that the buffer zone would require acre lots there. Putting that R-1-10 right next to the acre parcel causes fights among neighbors.

Commissioner Nathan Fisher asked Ms. Compen to clarify.

Shannon Compen responded that it just makes sense to leave the buffer there. It would be silly to split it up. The infrastructure is not there.

Commissioner Nathan Fisher asked if Ms. Compen understood that on the southern part of the proposed change she thought there should be a buffer.

Shannon Compen responded yes, and that's what I thought City Council promised.

Margaret Cutler approached to mention that there are not enough open spaces. I know it's not my property, but we were promised at one time to have openness out there.

Chairman Ross Taylor asked Bob Nicholson to clarify the buffer.

Bob Nicholson approached to explain that back when the Little Valley Plan was started in 2007 and finalized in 2011 the buffer was around the subdivisions. In fact, the Cutler property was the buffer zone as RE-20. That was designated as the buffer adjacent to the acre lots. In reality, the buffer was not to the Cutler property, but the Cutler property served as the buffer.

Commissioner Nathan Fisher asked if it is adjacent contiguous to this property.

Bob Nicholson responded yes.

Chairman Ross Taylor asked if the Cutler property is one acre but is zoned RE-20 and serves as the buffer.

Bob Nicholson responded yes.

Chairman Ross Taylor closed the item to the public and opened the item up for discussion among commissioners.

Commissioner Nathan Fisher asked that the developer approach to explain their preference.

James Sullivan approached to state that it really doesn't matter. We're happy with the RE-20 and R-1-10 split. There's a lot of talk about lot size averaging and that was our intent going into this and go with R-1-12 throughout. We're okay with the RE-20 on Little Valley Road and R-1-10 for the rest of the property so we're okay with option number two.

Commissioner Nathan Fisher asked legal if option two resolves their concerns.

Assistant City Attorney Victoria Hales reminded the commission that tonight is just a zone change and not a particular project.

MOTION:

Commissioner Ro Wilkinson made a motion to accept the zone change based upon attorney comments and resident opinion; option two to recommend approval of R-1-10 on the portion of the parcel outside of the Rural Residential general plan designation with the remaining portion staying as RE-20.

SECONDED: Commissioner Nathan Fisher seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion passes.

6. PRELIMINARY PLATS (PP)

- A. Consider approval of a preliminary plat for "**The Plaza at Sunbrook**" a three (3) lot commercial subdivision. The applicant is Sun-Belt Properties and the representative is Mr. David Gardner. The property is zoned C-3 (General Commercial Zone) and is located at approximately 360 N Dixie Drive. Case No. 2014-PP-016 (Staff – Wes J.).

Wes Jenkins presented the following:

The access points will line up with adjacent access points. Phase 1 and Phase 2 accesses will go together so you don't have to exit onto Dixie Drive. There is an existing wall and there is a 6' wall required between the commercial and residential zones. There is a privacy wall there. The parking lot sits higher than the residential area. The proposal from the developer is to make the walls eight (8) feet tall so when patrons pull into the parking stalls their headlights don't shine into the homes. This can only be done with approval from the home owners to extend the existing wall. They also want to do a storm drain line through the phase and ask that the City participate in that line. On the west side of the project there is a trail. The City has asked that their portion of the trail be dedicated to the City. There is also a substantial grade change at the sidewalk. The developer has agreed to put a 4' high wall to take up the elevation change. There will still be a steep slope of 2:1. They have asked that the City help with the height of the wall. Parks department will be contacted to see if they can help. Our concern is that if the slope is 2:1 and then the trail comes in later it wouldn't work. It made sense to build the wall now.

Commissioner Nathan Fisher and Wes Jenkins discussed the wall heights.

Commissioner Nathan Fisher asked if there are hazard concerns at the trail.

Wes Jenkins answered that they will put a rail at the sidewalk so people can hold onto the rail.

Commissioner Ro Wilkinson asked if this is still going to be Sunbrook Retreat?

Dave Gardner (applicant) answered that this will be a sister to our other property.

Assistant City Attorney Victoria Hales asked if there is a decel lane.

Wes Jenkins responded yes, and it will be dedicated to the City.

Dave Gardner (applicant):

The trail is a bit of a privacy thing for us. We are open to it, but it is ill conceived in where it is designed and going. Right now, the trail is projected to go under an underpass at Dixie Drive and then it will go over the wash and flow into the residential subdivision with various dedications and easements and then you have to build a bridge. The question is when will it ever be built? For the time being, we're building the wall in hopes that it will be built but what if it never is built? Has the Parks Department really thought through this trail? I would think it should tie into Sunbrook Golf Course rather than into the residential subdivision. We're okay one way or the other. We really could get away with the 2:1 slope and not build anything at all so we can give the property to the City and then build a 4' wall. Maybe the Parks Department could help us make the wall taller.

Commissioner Nathan Fisher asked if we have to set it back at that point.

Wes Jenkins responded it could go up to 8'. The engineer recommends that so you could do a drainage swall. We have to talk to the Parks Department.

Chairman Ross Taylor asked how sincere the Parks Department is about building the trail.

Wes Jenkins said they won't specify when but indicate that it is part of the master plan trail system.

Commissioner Nathan Fisher asked if it is supposed to go into the residential subdivision. There is already a bridge over the wash there.

Discussion on where the trail is and where it is planned to go.

Commissioner Nathan Fisher asked the applicant if they are content with the trail system.

Dave Gardner replied yes, we're giving up the privacy but we're okay with the trail we just think it is ill planned.

Commissioner Nathan Fisher noted that staff just explained the trail system.

Dave Gardner asked if it is typical to go onto a public street.

Commissioner Nathan Fisher noted that it will go onto the sidewalk. As far as privacy; this is far down from your elevation right?

Dave Gardner responded it does come up a little bit and day lights; we'll be a few feet below. It's not a big deal, but we do lose the ambiance if we have joggers and bikers. We just don't want a dead end. We want it to go through. I wasn't aware you could put a trail onto the sidewalk. They have to build the underpass and the bridge plus owner dedications. There are a lot of moving parts.

Commissioner Nathan Fisher asked if the property would be used otherwise.

Dave Gardner responded probably not, we might have beautified it a bit and lay grass but now that we're dedicating we'll have to discuss that with the City.

Assistant City Attorney Victoria Hales added that this must be made subject to legal review.

MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Item 6A conditioned on review and approval of the legal department which will allow the discussion concerning the trail area – will there be a development agreement?

Wes Jenkins responded that there shouldn't be.

Assistant City Attorney Victoria Hales noted that legal cannot comment as the plat has not yet been reviewed.

Wes Jenkins added that it will be dedicated with the plat.

Commissioner Nathan Fisher noted that that might be a good time to talk to the developer.

Commissioner Nathan Fisher restated his motion - recommend approval of Item 6A conditioned on review and approval by the Legal Department at which time the concerns of the developer can be addressed regarding the trail property.

SECONDED: Commissioner Ro Wilkinson seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion passes.

- B. Consider approval of a preliminary plat for “**Estancia**” a proposed seventy-eight (78) unit resort condominium project. The owner / developer is Capital 5 LLC and the representative is Mr. David Nasal. The property is zoned PD-R (Planned Development Residential) and is located on Plantations Drive between the Trendwest Vacation Rental development and the Cottages South development (approximately 1151 South). Case No. 2014-PP-018 (Staff – Wes J.).

Wes Jenkins presented the following:

With each phase they must provide adequate parking (two parking stalls per unit plus one additional for every three units). One stall per unit must be covered. Amenities have to be constructed with Phase 1 as shown; they will build a pool and will also be required to build a clubhouse in addition to the existing amenities. They are also hoping to use some of the amenities of Green Valley. Phase 5 will be similar to the shown duplexes or two individual dwelling units. There is a private road there so they will need to have an agreement with the Cottages to share that access. They will also provide an emergency access through the Cottages.

Commissioner Nathan Fisher asked if there is a development agreement to require the amenities. Wes Jenkins replied that it is part of the ordinance to have 30% landscape and 200 square feet per unit of amenities chosen as a pool or courts or golf course.

Commissioner Nathan Fisher asked that in the event something happens in the future can we explain that.

Wes Jenkins responded that it'll be done with Phase 1 so if something happens it will be there.

Dave Nasal inserted that we do have an agreement with Green Valley to access their amenities.

Assistant City Attorney Victoria Hales asked if staff will address the issue of no public road access to Phase 5.

Wes Jenkins responded yes, they will need to work something out with The Cottages.

MOTION: Commissioner Ro Wilkinson made a motion to approve Item 6B for the condos near Trendwest.

SECONDED: Commissioner Diane Adams seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Motion passes.

7. **TRAINING – SPRING CONFERENCE**

Reminder - the 2014 UTAPA (Utah American Planning Association) Spring Conference is to be held in Springdale Utah next week on April 3rd & 4th. The Friday session of the conference will have courses specifically for appointed City officials. Contact Craig Harvey to discuss details or questions.

Craig Harvey approached to remind the Planning Commission that the conference is next Thursday and Friday.

Bob Nicholson handed out a revised general plan map. In 2002 the general plan was updated City-wide. Since then the policy and practice has been to revise per subareas. In 2006 we did the airport area. 2007 was South Block. 2006 was Milepost 2 and Tonaquint. This text is on the City website. What we don't have on the website is the narrative that goes with these subarea plans.

ADJOURN

MOTION: Commissioner Nathan Fisher made a motion to adjourn.

SECONDED: Commissioner Todd Staheli seconded the motion.

AYES (7)

Commissioner Ro Wilkinson

Commissioner Don Buehner

Chairman Ross Taylor

Commissioner Nathan Fisher

Commissioner Diane Adams

Commissioner Julie Hullinger

Commissioner Todd Staheli

NAYS (0)

Meeting adjourned at 6:10 pm.